

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

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U.S. DISTRICT COURT

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TX EASTERN - BEAUMONT

ELIJAH W. RATCLIFF
Plaintiff,

v.

INDYMAC BANK, F.S.B. AS SUCCESSOR
IN INTEREST TO INDYMAC MORTGAGE
HOLDINGS, INC.; STATE OF TEXAS;
STATE BAR OF TEXAS; EXECUTIVE
DIRECTOR OF STATE BAR OF TEXAS;
KENNETH HAMMACK, SHERIFF OF
POLK COUNTY, TEXAS; AND CLEBURNE
SWILLEY,
Defendants.

BY
CIVIL ACTION No. 9:05cv70

p/b

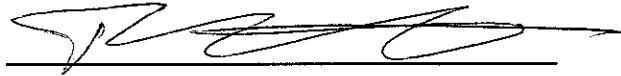
ORDER

The above entitled and numbered civil action was referred to United States Magistrate Judge Harry W. McKee pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. The plaintiff did object to the Report and Recommendation, however the Court finds the objections to be without legal merit.

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is ORDERED that Kenneth Hammack and Cleburne Swilley's motion to dismiss is GRANTED (Doc.#14).

SIGNED this 21 day of June, 2005.

A handwritten signature in black ink, appearing to read 'THAD HEARTFIELD', written over a horizontal line.

THAD HEARTFIELD
UNITED STATES DISTRICT JUDGE